

CONFIDENTIAL

Journal - Office of Legislative Counsel
Tuesday - 26 October 1971

Page 2

25X1 6. [] Hand carried to Ed Braswell, Chief Counsel, Senate Armed Services Committee, statements which he had requested in support of an amendment to Section 405(b) of the Foreign Assistance Act. I gave Braswell both a general statement on the problem and a specific one dealing solely with the Agency's problem. Both statements contained a recommendation for corrective language to be included in the amendment. Braswell commented that Senator Stennis was ready to "do battle" on jurisdictional issues in the bill but said we would have to arm him with supporting arguments. He said he would like us to provide him with a section-by-section analysis of the bill specifying any of the problem areas from the Agency point of view.

25X1 7. [] Left with Bill Woodruff, Counsel, Senate Appropriations Committee, a copy of the statements I had given Ed Braswell in support of Section 405(b) of the Foreign Assistance Act. Woodruff expressed concern over one sentence which indicated that arrangements for briefings of other committees were made in accordance with guidelines established by the Chairmen of the Senate Armed Services and Appropriations Committees. Woodruff was fearful that Senator Ellender might take exception to this statement as it could be applied to him even though it was valid as applied to his predecessors. I told Woodruff that I would ask Braswell to strike the objectionable portion of the language.

25X1 8. [] Later in the day, Ed Braswell called to say he had talked to Senator Stennis about the Foreign Assistance Act and the Senator had expressed an interest in going over the bill with the Director. Braswell said we would have to get our material prepared quickly since the Senator would be away on Thursday.

Mr. Braswell also advised that in view of Chairman Hebert's absence from the city there would be no meeting of the House/Senate conferees on the Military Procurement bill until next week.

25X1 9. [] Left with the offices of Senators Henry M. Jackson and Mike Mansfield, FBIS items in which their names were mentioned.

25X1

CONFIDENTIAL

Impact of Section 405 of H. R. 9910
on the Central Intelligence Agency

Section 405 of H. R. 9910 (the "Foreign Assistance Act of 1971") as amended in the Senate Foreign Relations Committee would add a new Section 15 to the Act entitled "An Act to provide certain basic authority for the Department of State." Subsection (b) of the new section would require the Department of State to keep the Senate Foreign Relations Committee and the House Foreign Affairs Committee "fully and currently" informed regarding all activities and responsibilities of all departments, agencies, and independent establishments of the United States Government conducted outside the United States or its territories or possessions. It also requires these departments, agencies, and establishments to furnish any information requested by either of these Committees relating to their overseas activities and responsibilities.

If it were to become law, this proposed subsection would have a serious impact on the Central Intelligence Agency. The Agency was established by the National Security Act of 1947. Section 102 (d)(3) of that Act placed upon the Director of Central Intelligence the awesome responsibility for the protection of intelligence sources and methods from

unauthorized disclosures. Since its establishment, the Agency has been under the legislative oversight of the Armed Services Committees of both the House and the Senate. Its budget, like the budgets of other departments and agencies, is carefully reviewed and approved by both Appropriations Committees. The Directors of Central Intelligence over the years have been completely honest and forthcoming with these Committees.

Over the years the various Directors of Central Intelligence have made a point of being responsive to requests from the various committees of the Congress for information pertinent to matters within their jurisdiction. The Director of Central Intelligence regularly briefs the Foreign Relations and Foreign Affairs Committees on world developments and responds to specific requests from these Committees for additional briefings on matters within their purview. Similarly he briefs the Joint Committee on Atomic Energy, the House and Senate Space Committees, and other committees on matters under their jurisdiction.

Arrangements for these appearances in the Senate have been made in accordance with guidelines established by the Chairmen of the Armed Services and Appropriations Committees. I have no difficulty whatsoever with the continuation of these appearances, and in fact have encouraged the Director of Central Intelligence to appear before these and other

committees in accordance with these guidelines. However, the Director of Central Intelligence does not and should not inform these Committees regarding extremely sensitive intelligence operations and other activities which it conducts. These are areas within the sole jurisdiction of the Armed Services and Appropriations Committees. I would request, therefore, that the words "within the jurisdiction of these Committees" be inserted after the word "responsibilities" at line 7 and after the word "information" at line 11 on page 57 of the bill as reported by the Foreign Relations Committee. I believe that the addition of these words does not dilute the thrust of the section as proposed by the Committee but clarifies the responsibility of the Director of Central Intelligence in this respect.

26 OCT 1971

General Comments on Section 405 of H.R. 9910

Section 405 of H.R. 9910 (the "Foreign Assistance Act of 1971") as amended in the Senate Foreign Relations Committee would add a new Section 15 to the Act entitled "An Act to provide certain basic authority for the Department of State." Subsection (b) of the new section would require the Department of State to keep the Senate Foreign Relations Committee and the House Foreign Affairs Committee "fully and currently" informed regarding all activities and responsibilities of all departments, agencies, and independent establishments of the United States Government conducted outside the United States or its territories or possessions. It also requires these departments, agencies, and establishments to furnish any information requested by either of these Committees relating to their overseas activities and responsibilities.

If it were to become law, this proposed section would raise a fundamental question of committee jurisdiction. The Armed Services Committees of the House and Senate are charged with legislative oversight of the military services and the Central Intelligence Agency. While these elements of the Executive Branch are, of course, responsive to requests from various other committees of the Congress for information pertinent

to matters within their jurisdiction, their specific operations and budgetary considerations are within the sole jurisdiction of the Armed Services and Appropriations Committees. I request, therefore, that the words "within the jurisdiction of these Committees" be inserted after the word "responsibilities" at line 7 and after the word "information" at line 11 on page 57 of the bill as reported by the Senate Foreign Relations Committee. I believe that the addition of these words does not dilute the thrust of the section as proposed by the Committee but leaves no doubt as to the specific oversight responsibilities of the various committees involved.